

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1–10 are in the present application. It is submitted that these claims are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. Claims 11-19 have been canceled.

The Drawings were objected to because Figure 1 should be designated as Prior Art. Applicant has corrected the error in accordance with the Examiner's comment. Accordingly, Applicant believes this objection has been overcome.

The Specification was objected to because of a typographical error on page 18. Applicant has corrected the error in accordance with the Examiner's comment. Accordingly, Applicant believes this objection has been overcome.

Claims 1–5 and 11-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bradshaw et. al. (U.S. Patent 6,101,157). However, the present inventions “generat[es] a focus error signal subjected to balance-adjustment based on the reflection light and a variable coefficient Kf.” (Claim 1) This balance adjustment is shown in Figure 4 by the equation  $FE=(A+C)-Kf*(B+D)$ . By contrast, Bradshaw applies the same gain,  $GCc$ , to both amplifiers 36 and 37, which are then combined in amplifier 39 to produce an output according to the equation

FE=GC<sub>c</sub>\*(a+d)-GC<sub>c</sub>\*(b+c). (Figure 2; Column 5, Line 59 to Column 6, Line 3) Since each term is multiplied by the same gain, Bradshaw cannot balance-adjust the terms relative to each other as taught in the present invention. Therefore, for at least this reason, Bradshaw fails to anticipate the present invention and the rejected claims should be allowed.

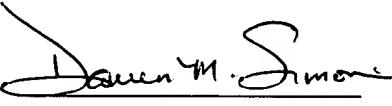
Claims 6 and 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradshaw in view of Takeya et. al. (U.S. Patent 6,240,054). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradshaw in view of Takeya, and further in view of Tanaka et. al. (U.S. Patent 6,522,606). Takeya and Tanaka are relied on solely to meet various tracking error (as opposed to focus error) related limitations not disclosed in Bradshaw. However, like Bradshaw, Takeya and Tanaka do not teach “balance-adjustment” as claimed in the present invention. Accordingly, the combination of Bradshaw, Takeya and Tanaka fail to obviate the present invention.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By: 

Darren M. Simon  
Reg. No. 47,946  
(212) 588-0800